

REMARKS

This response is accompanied by a Declaration Under 37 C.F.R. 1.132, which should be dispositive of the patentability of the presently amended claims wherein the feature of claims 15 is incorporated into claim 1. Consequently, entry of this Declaration is courteously requested.

The feature of claim 15 requires that in step (a) the non-zeolitic Si/Al substrate comprises at least two Si/Al zones that have Si/Al ratios that are less than or greater than the overall Si/Al ratio that is determined by X-ray fluorescence.

The attached Declaration is self-explanatory in providing comparative experiments to demonstrate that this feature results in an unexpected improvement in the VI value when accompanied by the other features in claim 1.

The preparation of Applicants' substrate is described in the paragraph at the bottom of page 2 of the Declaration and in the paragraph at the top of page 3, which method is supported by Applicants' specification starting at the bottom of page 25 under the subtitle "Preparation of the Substrate". Accordingly, as pointed out in the specification and as set forth in the Declaration, mixing an alumina compound that is partially soluble in an acidic medium, with a totally soluble silica compound, leads to a heterogeneous Si/Al substrate characterized by the presence of two Si/Al zones which in turn results in an unexpected improvement in the VI value.

By inspection, it is seen that the prior art does not suggest the feature of original claim 15 requiring two Si/Al zones each having different Si/Al ratios. In the Final Rejection, the only statement addressing multiple silica-aluminum zones is that substrates contain Si/Al zones. Perhaps the Examiner speculated that multiple Si/Al zones would randomly occur in substrates, as measured by X-ray fluorescence. Such speculation is unsupported and unwarranted. Consequently, this original feature of claim 15, which is derived from a novel method and provides new and unexpected results, is novel and unobvious.

As for the other statements in the Final Rejection which address Applicants' previously set forth arguments, Applicants do not acquiesce to same but will not offer a rebuttal at this time, instead reserving the right to do so at a later date, if ever necessary. The reason for the lack of a rebuttal at this juncture in prosecution is the general rule that responses to Final Rejections after a


Notice of Appeal is filed be limited so that the Examiner does not require additional examining time in order to treat the application.

Finally, if the application is now allowed, entry of the Declaration and the Amendment is respectfully requested for purposes of appeal. Moreover, if there are any residual issues which can be remedied by a telephone conference, the Examiner is courteously invited to telephone Counsel at the number indicated below.

In view of the above remarks, favorable reconsideration is courteously requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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